

accommodation to participate in the hearing should be made at least five working days in advance of the hearing by calling 785-296-3401.

A summary of the proposed regulations, the revocations, and their estimated economic impact follow.

K.A.R. 22-6-5, K.A.R. 22-6-12, K.A.R. 22-6-16, K.A.R. 22-6-20, K.A.R. 22-6-24, and K.A.R. 22-6-25 reorganize and update the nationally recognized fire codes adopted and enforced by the Office of the State Fire Marshal pursuant to K.S.A. 31-133 and 31-506 as well as create a second fireworks season for pre-sales of fireworks, for example by charitable entities.

**Economic Impact Statement:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-8-10 removed the license fees for liquefied petroleum gas (propane) licenses.

**Economic Impact Statement:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-11-8 and K.A.R. 22-18-3 repeal regulations no longer required by the agency.

**Economic Impact Statement:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-19-5 creates a new reporting requirement for Certified Fire Investigators when investigating a fire that has caused a death.

**Economic Impact Statement:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-24-1, K.A.R. 22-24-2, K.A.R. 22-24-3, K.A.R. 22-24-4, K.A.R. 22-24-5, K.A.R. 22-24-6, K.A.R. 22-24-7, K.A.R. 22-24-8, K.A.R. 22-24-9, K.A.R. 22-24-10, K.A.R. 22-24-11, K.A.R. 22-24-12, K.A.R. 22-24-13, K.A.R. 22-24-15, K.A.R. 22-24-16, K.A.R. 22-24-17, and K.A.R. 22-24-18 reorganize and update the regulations governing the regional hazardous materials response team program.

**Economic Impact Statement:** The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

Copies of the complete texts of the regulations and their respective economic impact statements may be obtained by writing the State Fire Marshal at the address above, electronically on the agency's website at <http://firemarshal.ks.gov>, or by calling 785-296-3401.

Doug Jorgensen  
State Fire Marshal

Doc. No. 045750

## State of Kansas

### Department of Labor

#### Permanent Administrative Regulations

#### Article 55.—AMUSEMENT RIDE REGULATIONS

**49-55-1. Applicability.** Unless exempted by the act, this article of the department's regulations shall apply to all amusement rides, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, within the state. (Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-2. Definitions.** (a) "Act" means the Kansas amusement ride act and amendments thereto.

(b) "Amusement ride records" means the following:

- (1) The current certification of an inspector's qualifications to inspect amusement rides;
- (2) the current certificate of inspection signed by a qualified inspector;
- (3) the current results of nondestructive testing;
- (4) each amusement ride manufacturer's operational manual;
- (5) each amusement ride manufacturer's nondestructive testing recommendations;
- (6) each amusement ride manufacturer's inspection guidelines; and
- (7) the records required to be maintained in accordance with K.S.A. 2016 Supp. 44-1603, and amendments thereto.

(c) "Permanent amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that is permanently affixed to the real estate where the amusement ride is operated. A permanent amusement ride is not capable of being transported from one location to another without significant physical alteration of the location and the amusement ride.

(d) "Reasonable period of time to comply with the provisions of K.S.A. 2016 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto" means 30 days after publication of the regulations adopted by the secretary pursuant to K.S.A. 2016 Supp. 44-1614(b), and amendments thereto.

(e) "Temporary amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that is movable from location to location without significant physical alteration of the location and the amusement ride. (Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-3.** (Authorized by K.S.A. 2009 Supp. 44-1614; implementing K.S.A. 2009 Supp. 44-1602; effective May 28, 2010; revoked, T-49-6-27-17, July 1, 2017; revoked Oct. 13, 2017.)

**49-55-4. Permit application; certificate of inspection.** Each application for a permit shall include the following:

- (a) The name of the owner and operator of the amusement ride;
- (b) the location of the amusement ride or the location where the amusement ride is stored when not in use;



(c) proof of insurance;

(d) certification that the amusement ride meets the applicable standards of the American society for testing and materials (ASTM) international F24 committee; and

(e) a copy of a valid certificate of inspection for that amusement ride. Each certificate of inspection shall provide an expiration date. (Authorized by K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2016 Supp. 44-1602, as amended by 2017 H Sub for SB 86, sec. 7, and 2017 H Sub for SB 86, sec. 1; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-5.** (Authorized by L. 2009, ch. 71, sec. 3 and K.S.A. 2008 Supp. 44-1602; implementing K.S.A. 2008 Supp. 44-1604; effective May 28, 2010; revoked, T-49-6-27-17, July 1, 2017; revoked Oct. 13, 2017.)

**49-55-6. Record retention.** The owner of each amusement ride shall retain all amusement ride records for a period of three years, which shall be grouped according to amusement ride. The owner shall retain all amusement ride records at the location of the amusement ride's operation. The records shall be accessible upon request by the department in accordance with K.S.A. 2016 Supp. 44-1603 and amendments thereto, each person who contracts with the owner for the amusement ride's operation, and each operator. (Authorized by K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2016 Supp. 44-1603, as amended by 2017 H Sub for SB 86, sec. 8, and K.S.A. 2016 Supp. 44-1605; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-8. Procedure for selection of an amusement ride for compliance audit.** (a) Amusement rides shall be randomly selected each quarter by the department for compliance audit by location. Random selection for compliance audit shall include selecting amusement rides from a list of amusement rides that have been issued a valid permit by the department and amusement rides that are identified on location reports submitted to the department in accordance with K.A.R. 49-55-10.

(b) A compliance audit may also be conducted for amusement rides that are determined to be in need of a compliance audit by the secretary or the secretary's designee. (Authorized by K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2016 Supp. 44-1602, as amended by 2017 H Sub for SB 86, sec. 7; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-11. Submitting reports and other documents; notification of death.** (a) Except as provided in subsection (b), each report and any other document required by these regulations or the act shall be submitted to the department's director of industrial safety and health by mail, facsimile, hand delivery, or electronic mail.

(b) For each serious injury that results in the death of a patron, notification by the owner shall be made initially by telephone, with a written notification sent within 24 hours after the initial notification. (Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-12. Violations; reporting violations to the attorney general, county attorney, or district attorney.** (a) Each notice of violation issued by the department for a violation of the act or these regulations shall specify the following:

- (1) The nature of the violation;
- (2) the facts supporting the determination that a violation took place; and
- (3) specification of the action that the owner shall take to comply with the act or these regulations.

(b) Each notice of violation shall be reported by the department to the attorney general, county attorney, or district attorney. (Authorized by K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2016 Supp. 44-1610, as amended by 2017 H Sub for SB 86, sec. 11, and K.S.A. 2016 Supp. 44-1611; effective May 28, 2010; amended, T-49-6-27-17, July 1, 2017; amended Oct. 13, 2017.)

**49-55-13. Nationally recognized organizations that issue certificates or other evidence of qualification to inspect amusement rides.** The nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides and that require education, experience, and training at least equivalent to that required for a level II certification from NAARSO as of July 1, 2017, shall include the following:

- (a) The national association of amusement ride safety officials (NAARSO), for level II certification;
- (b) the amusement industry manufacturers and suppliers international (AIMS), for level II certification;
- (c) the association for challenge course technology (ACCT), for qualified inspector certification; and
- (d) Pennsylvania department of agriculture, for general qualified inspector status. (Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective, T-49-6-27-17, July 1, 2017; effective Oct. 13, 2017.)

Lana Gordon  
Secretary

Doc. No. 45740

State of Kansas

Board of Healing Arts

Temporary Administrative Regulations

Article 76.—ACUPUNCTURISTS

**100-76-1. Fees.** (a) The following fees shall be collected by the board:

- |   |           |
|---|-----------|
| (1) Application for license .....       | \$ 165.00 |
| (2) Annual renewal of active license:   |           |
| (A) Paper renewal .....                 | \$ 150.00 |
| (B) On-line renewal .....               | \$ 125.00 |
| (3) Annual renewal of inactive license: |           |
| (A) Paper renewal .....                 | \$ 125.00 |
| (B) On-line renewal .....               | \$ 100.00 |
| (4) Annual renewal of exempt license:   |           |
| (A) Paper renewal .....                 | \$ 125.00 |
| (B) On-line renewal .....               | \$ 100.00 |

(continued)

# **2017 SUPPLEMENT**

**to the**



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**Book 1 of 2**  
**Agencies 1-82**



## Agency 49

# Department of Labor

### Editor's Note:

The Kansas Department of Human Resources was renamed the Kansas Department of Labor by Executive Reorganization Order No. 31. See L. 2004, Ch. 191.

### Editor's Note:

This agency was formerly entitled "Labor Department." The Labor Department was reorganized into the Department of Human Resources by Executive Reorganization Order No. 14, see L. 1976, ch. 354.

### Articles

#### 49-55. AMUSEMENT RIDE REGULATIONS.

##### Article 55.—AMUSEMENT RIDE REGULATIONS

**49-55-1. Applicability.** Unless exempted by the act, this article shall apply to all permanent amusement rides and temporary amusement rides within the state. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

**49-55-2. Definitions.** (a) "Act" means the Kansas amusement ride act and amendments thereto.

(b) "Amusement ride records" means the following:

- (1) The current certification of an inspector's qualifications to inspect amusement rides;
- (2) the current certificate of inspection signed by a qualified inspector;
- (3) the current maintenance and inspection records;
- (4) the current results of nondestructive testing;
- (5) each amusement ride manufacturer's operational manual;
- (6) each amusement ride manufacturer's nondestructive testing recommendations; and
- (7) each amusement ride manufacturer's inspection guidelines.

(c) "Permanent amusement ride" means an amusement ride, as defined in K.S.A. 44-1601 and amendments thereto, that the owner permanently affixed to the real estate where the amusement ride is operated. A permanent amusement ride is not capable of being transported from one location to another without significant physical alteration of the location and the amusement ride.

(d) "Self-inspection," within the act and these regulations, means that the operator or owner of an amusement ride causes the inspection of the amusement ride by a qualified inspector without using the services of a third-party inspector.

(e) "Temporary amusement ride" means an amusement ride, as defined in K.S.A. 44-1601 and amendments thereto, that the owner can move from location to location without significant physical alteration of the location and the amusement ride. A temporary amusement ride has wheels affixed or can be transported on a trailer or other moving apparatus. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

**49-55-3. Approved inspector certification program.** To be considered a qualified inspector, the person shall hold a current certification at level one, or higher, that is issued by the national association of amusement ride safety officials (NAARSO). (Authorized by K.S.A. 2009 Supp. 44-1604, implementing K.S.A. 2009 Supp. 44-1602; effective May 28, 2010.)

**49-55-4. Inspection certification.** Each individual performing any inspections shall possess a NAARSO level one, or higher, certification. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-5. Nondestructive testing of amusement rides.** (a) The owner of each amusement ride, before operating the amusement ride, shall conduct a nondestructive test of the amusement ride in accordance with the following:

- (1) The manufacturer's recommendations; and
- (2) sections 7.2.1, 7.2.3, and 8 of the "standard guide for testing performance of amusement rides and devices," F 846-92, as reapproved by the American society for testing and materials (ASTM) international in 2009, which are hereby adopted by reference.

Amended

Amended

Amended

Amended



Amended

(b) At a minimum, each owner shall conduct a nondestructive test every 30 days on each temporary amusement ride and once a year on each permanent amusement ride. (Authorized by L. 2009, ch. 71, sec. 3 and K.S.A. 2008 Supp. 44-1602; implementing K.S.A. 2008 Supp. 44-1604; effective May 28, 2010.)

Amended

**49-55-6. Record retention.** The owner of each amusement ride shall retain all amusement ride records as specified in K.A.R. 49-55-2(b) for a period of one year, which shall be grouped according to ride. The owner shall retain all amusement ride records at the location of the amusement ride's operation. The records shall be accessible upon request by the department and each person who contracts with the owner for the amusement ride's operation. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602, K.S.A. 2008 Supp. 44-1603, and K.S.A. 2008 Supp. 44-1605; effective May 28, 2010.)

**49-55-7. Location of evidence of inspection.** The owner of each amusement ride shall affix a copy of the current inspection results under a weatherproof covering in a conspicuous location on the amusement ride so that each patron can see the results before boarding the amusement ride. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

Amended

**49-55-8. Procedure for selection of an amusement ride for records audit.** Amusement rides shall be randomly selected each quarter by the department for records audit by location. A permanent amusement ride shall not be subject to more than two records audits during the six-month period from the date of the last records audit. A temporary amusement ride shall not be subject to more than one records audit at the same location. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-9. Location of safety instructions.** The owner shall affix the safety instructions for each amusement ride in a conspicuous location under a waterproof covering that allows patrons to read the instructions before boarding the amusement ride.

(Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1606; effective May 28, 2010.)

**49-55-10. Reporting of amusement ride locations.** (a) Permanent amusement ride. The owner of each permanent amusement ride shall annually report the location of that amusement ride on a form provided by the department. If the owner removes a permanent amusement ride from service or places a new permanent amusement ride in service, the owner shall report the removal or placement to the department within 30 calendar days.

(b) Temporary amusement ride. The owner of each temporary amusement ride shall file with the department an itinerary at least 30 calendar days before the beginning date on the itinerary. The owner shall submit the itinerary on a form provided by the department. If the owner changes the itinerary, the owner shall report the change to the department by the next business day following the day the change occurred. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-11. Submitting reports and other documents.** Each report and any other document required by these regulations or the act shall be submitted by mail, facsimile, hand delivery, or electronic mail. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

Amended

**49-55-12. Violations; reporting violations to the attorney general, county attorney, or district attorney.** (a) For the first violation by an owner of any provision of the act or these regulations, a written warning citation shall be issued by the department to the owner. Each citation shall specify the following:

- (1) The nature of the violation;
- (2) the facts supporting the determination that a violation took place; and
- (3) specification of the action that the owner shall take to comply with the act or these regulations.

(b) If the owner fails to take the corrective action specified in the citation, the owner's violation shall be reported by the department to the applicable authority for criminal prosecution. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)